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Attorney's Docket No. BHA 465

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appln. No. 10/783,432)
First Named Applicant: DON K. WOOTEN)
Filed: 02/23/2004)
For: CAMOFLAGING APPARATUS)
TC/A.U.: 3765)
Examiner: Gloria M. Hale)

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Commissioner for Patents
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ATTENTION: Board of Patent Appeals and Interferences

APPELLANT'S BRIEF (37 CFR §1.192)

This brief is in furtherance of the Notice of Appeal, filed in this case on June 7, 2005.

The fees required under 37 CFR §1.17(c), and are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate. (37 CFR §1.192(a))

This brief contains these items under the following headings, and in the order set forth below (37 CFR §1.192(c)):

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The final page of this brief bears the practitioner's signature.

I. REAL PARTIES IN INTEREST - 37 CFR §1.192(c)(1)(i)

The real party in interest in this appeal is the applicant Don K. Wooten.

II. RELATED APPEALS AND INTERFERENCES - 37 CFR §1.192(c)(1)(ii)

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS - 37 CFR §1.192(c)(1)(iii)

On June 7, 2005, appellant appealed from the final rejection of claims 1 through 14, all of which remain pending in the application.

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 14 claims

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: (none)
2. Claims withdrawn from consideration but not canceled: (none)
3. Claims pending: claims 1 through 14
4. Claims allowed: (none)
5. Claims rejected: claims 1 through 14

C. CLAIMS ON APPEAL

The claims on appeal are: claims 1 through 14.

IV. STATUS OF AMENDMENTS - 37 CFR §1.192(c)(1)(iv)

Claims 1 through 14 were originally filed in the subject patent application. In the first Amendment of the subject application, filed December 10, 2004, claims 1 and 14 were amended and no claims were cancelled. No amendments of the claims were requested after the final Office Action was mailed on March 9, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR §1.192(c)(1)(v)

The invention comprises a body camouflaging assembly (10) that may include a body covering (12, see Figures 1 and 2) for removably positioning on a body. The body covering has an outer surface (14), and includes a pant (15--Figure 1) and shirt (16 Figure 1) combination for removably positioning over the legs of the body of the user. The body covering may also include of a pair of gloves (18—Figure 2) for removably positioning over the hands of the body of the user. The body covering may also include a hat (20 Figure 2) for removably positioning over a head of the body of the user. The body covering may further include a face mask (22—Figure 2) for removably positioning over the face of the body of the user. The body covering may comprise a cloth material.

The assembly further consists of a plurality of flexible panels (24 Figures 4 through 6), with each of the panels having a length generally between 2 inches and 5 inches and a height generally between 2 inches and 5 inches. Each of the panels (24) may have an irregular shape, and may have a shape resembling a leaf (Figures 4 and 5). Each of the panels has a first side and a second side, with each of the first sides being colored. In some embodiments, each of the first sides are colored a color

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selected from the group including shades of yellow, green, red, brown and
